

FILED  
 ENTERED  
 RECEIVED  
 SERVED ON

COUNSEL/PARTIES OF RECORD

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA  
vs.  
KENNETH J. MCKENNA

**JUDGMENT IN A CRIMINAL CASE**

CASE NUMBER: 3:10-cr-0106-RCJ-VPC  
USM NUMBER: 45540-048

CLERK US DISTRICT COURT  
DISTRICT OF NEVADA

BY: DEPUTY

APR 28 2011

Leah Wigren, CJA  
**THE DEFENDANT:**

DEFENDANT'S ATTORNEY

- (X) pled guilty to Count(s) One and Two of the Misdemeanor Criminal Information  
 ( ) pled nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.  
 ( ) was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Ended</u>	<u>Count</u>
26 U.S.C. § 7203	Willful Failure to Pay Income Tax	04/15/2005	1
26 U.S.C. § 7203	Willful Failure to Pay Income Tax	04/15/2008	2

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ( ) The defendant has been found not guilty on count(s) \_\_\_\_\_  
 ( ) Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.

IT IS ORDERED that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

April, 25 2011  
Date of Imposition of Judgment

  
Signature of Judge

ROBERT C. JONES, U.S. DISTRICT JUDGE  
Name and Title of Judge

04-27-2011

Date

DEFENDANT: KENNETH J. MCKENNA  
CASE NUMBER: 3:10-cr-0106-RCJ-VPCJudgment - Page 2 of 5**PROBATION**The defendant is hereby sentenced to probation for a term of FIVE (5) YEARS

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 104 drug tests annually. Revocation is mandatory for refusal to comply.

- ( ) The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- (x) The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ( ) The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ( ) The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- ( ) The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: KENNETH J. MCKENNA  
CASE NUMBER: 3:10-cr-0106-RCJ-VPCJudgment - Page 3 OF 5**SPECIAL CONDITIONS OF PROBATION**

1. **Possession of Weapons** - You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
2. **Warrantless Search** - You shall submit to the search of your person, property, residence or automobile under your control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release.
3. **Debt Obligations** - You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.
4. **Access to Financial Information** - You shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.
5. **State and Federal Tax Compliance** - You shall maintain all current payment and/or filing Obligations with respect to federal and state taxes.
6. **Internal Revenue Service Compliance** - You shall cooperate and arrange with the Internal Revenue Service to pay all past and present taxes, interest, and penalties owed. You shall file timely, accurate, and lawful income tax returns and show proof of same to the probation officer.

AO 245B (Rev 09/08) Judgment in a Criminal Case  
Sheet 5 - Criminal Monetary Penalties

DEFENDANT: KENNETH J. MCKENNA  
CASE NUMBER: 3:10-cr-0106-RCJ-VPC

Judgment - Page 4 OF 5

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 50.00 (\$25.00 per count)	\$ WAIVED	\$153,040.00
	Due and payable immediately.		

- ( ) On motion by the Government, IT IS ORDERED that the special assessment imposed by the Court is remitted.
- ( ) The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ( ) The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority of Percentage</u>
Clerk, U.S. District Court	\$64,413.00		Tax Year 2004
Attn: Financial Officer	\$ 394.00		Tax Year 2005
Case No. 3:10-CR-0106-RCJ-VPC	\$31,507.00		Tax Year 2006
333 Las Vegas Boulevard, South	\$56,726.00		Tax Year 2007
Las Vegas, NV 89101			

To be disbursed to:

IRS-RACS  
Attention Mail Stop 6261  
Restitution  
333 west Pershing Ave.  
Kansas City, Missouri 64108

TOTALS : \$ 153,040.00

Restitution amount ordered pursuant to plea agreement: \$ \_\_\_\_\_

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the: ( ) fine ( ) restitution.

the interest requirement for the: ( ) fine ( ) restitution is modified as follows:

\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: KENNETH J. MCKENNA  
CASE NUMBER: 3:10-cr-0106-RCJ-VPCJudgment - Page 5 OF 5**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 153,090.00 due immediately, balance due  
 not later than \_\_\_\_\_; or  
 in accordance with  C,  D,  E or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  E below; or
- C  Payment in \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_  
over a period of \_\_\_\_\_ (e.g. months or years), to \_\_\_\_\_ (e.g., 30 or 60 days)  
after the date of this judgment; or
- D  Payment in \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_  
(e.g., months or years), to \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term  
is supervision; or
- E Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release  
from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at  
that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:  
**Payable at the rate of no less than 10% of gross income, subject to an adjustment by the court based  
upon ability to pay.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several  
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and  
Several Amount, and corresponding payee, if appropriate.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.